

PIN: 07-16-201-016

ADDRESS:
1911 CONTINENTAL AVENUE
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #17-1-092

ORDINANCE NO. 17 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE RAILWAY PLAZA
COMMERCIAL PUD, A FINAL PUD FOR RAILWAY PLAZA COMMERCIAL
RESUBDIVISION OF LOT 1, AND A DEVIATION FROM SECTION 6-6E-5 (R3: AREA
REQUIREMENTS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE
MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
1911 CONTINENTAL AVENUE (METRO WEST)**

WHEREAS, M/I Homes (“Petitioner”) has petitioned the City of Naperville for approval of a Major Change to the Railway Plaza Commercial Planned Unit Development (PUD), a Final PUD Plat for Railway Plaza Commercial Resubdivision of Lot 1, and a deviation from Municipal Code Section 6-6E-5 (R3: Area Requirements) in order to develop 19 townhomes on the property located at 1911 Continental Avenue, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Subject Property is currently zoned R3 (Medium Density Multiple-family Residence District); and

WHEREAS, the Petitioner proposes to develop the Subject Property with 19 townhomes located in two 6-unit buildings and one 7-unit building; and

WHEREAS, the petitioner requests a deviation to reduce the minimum lot size for 19 dwelling units from 76,000 square feet to approximately 74,791 square feet; and

WHEREAS, on November 1, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-092, and recommended approval of the Petitioner's requests; and

WHEREAS, the requested Major Change and deviation meet the standards as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A Major Change to the Railway Plaza Commercial PUD to allow development of 19 townhomes as depicted on the Final PUD for Railway Plaza Commercial Resubdivision of Lot 1 attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A deviation to Section 6-6E-5 (R3: Area Requirements) of the Naperville Municipal Code is hereby granted to reduce the minimum lot area for 19 dwelling units from 76,000 square feet to approximately 74,791 square feet, as depicted on the Final PUD attached hereto as **Exhibit B**.

SECTION 4: The Final PUD Plat for Railway Plaza Resubdivision of Lot 1, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 5: The Landscape Plan, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 6: The Building Elevations, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 7: Any deviation other than that approved by this Ordinance shall require approval of a separate deviation.

SECTION 8: The deviation approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 9: The deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 10: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 11: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 12: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk